

Return Address: Brenda Sorensen  
18 Sorensen Road  
Lyle, WA 98635

**Skamania County  
Department of Planning and  
Community Development**

Skamania County Courthouse Annex  
Post Office Box 790  
Stevenson, Washington 98648  
509 427-3900 FAX 509 427-3907

**Administrative Decision**

**APPLICANT/  
PROPERTY  
OWNER:**

Brenda Sorensen for Estate of Jack and Melba Spring

**FILE NO.:**

NSA-08-43

**PROJECT:**

Application to divide a 51.28-acre parcel into one 21.61-acre parcel and one 29.67-acre parcel, and to authorize an after-the-fact road approach and driveway off Duncan Creek Road to the proposed eastern lot.

**LOCATION:**

1002 Duncan Creek Road, Skamania; Section 33 of T2N, R6E, W.M. and is identified as Skamania County Tax Lot Number 02-06-33-0-0-0100-00.

**LEGAL:**

See attached page 7-8.

**ZONING:**

General Management Area – Small-Woodland (F-3).

**DECISION:**

Based upon the record and the Staff Report, the application by Brenda Sorensen, described above, **subject to the conditions set forth in this Decision**, is found to be consistent with SCC Title 22 and is hereby approved.

Although the proposed development is approved, it may not be buildable due to inadequate soils for septic and/or lack of potable water. These issues are under the jurisdiction of Skamania County's Building Division and the Skamania County Health Department.

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Approval of this request does not exempt the applicant or successors in interest from compliance with all other applicable local, state, and federal laws.

#### CONDITIONS OF APPROVAL:

The following conditions are required to ensure that the subject request is consistent with Skamania County Code Title 22. **This document, outlining the conditions of approval, must be recorded by the applicant in the deed records of the Skamania County Auditor** in order to ensure notice of the conditions of approval to successors in interest. SCC §22.06.120(C)(2).

- 1) As per SCC §22.06.120(C)(2), this Administrative Decision **SHALL BE RECORDED** by the applicant in the County deed records prior to commencement of the approved project.
- 2) All developments shall be consistent with the enclosed site plan, unless modified by the following conditions of approval. If modified, the site plan shall be consistent with the conditions of approval. (See attached)
- 3) All structures, except fences, including eaves, awnings and overhangs shall meet the following setbacks: **Front yard:** 50 feet from the centerline of the street or road or 20 feet from the front property line, whichever is greater. **Side yard:** 20 feet. **Rear yard:** 20 feet. Setbacks are established from property lines, not fence lines. If any question arises regarding the location of the property lines, the applicant shall be required to hire a professional land surveyor to locate the property lines and mark them with temporary staking prior to a building permit being issued. Staking must remain during construction and all building inspections.
- 4) The Fire Safety Guidelines as stated in Section 22.14.050(A) shall be conditions of approval:
  - a. Access drives shall be constructed to a minimum of twelve (12) feet in width and not exceed a finished grade of twelve percent (12%). Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. However, variances to road provisions may be made after consultation with the local fire marshal and the Washington State Department of Natural Resources.
- 5) Only that grading which is necessary for site development (building pads, utilities, etc.) is permitted. All graded areas shall be re-seeded with native vegetation prior to final inspection by the Planning Department.
- 6) The project applicants and/or future owners shall be responsible for the proper maintenance and survival of any planted vegetation required under this chapter. Any vegetation that dies shall be replaced in-kind within the first available growing season. The only exception is that replacement trees may be the same size as that specified for new trees, which shall be at least 5 feet tall in height at planting.
- 7) No land disturbing activities or development shall occur on lands contained within this land division without prior approval consistent with the Columbia River Gorge National Scenic Area.

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- 8) The Planning Department shall conduct a Final Inspection to ensure that all graded areas have been reseeded. Each inspection may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling the Planning Department at 509-427-3900.
- 9) All exterior lighting shall be hooded and shielded at a 90-degree angle. Hoods/ shields shall be made of nonreflective, opaque material, which does not allow light to pass through. (See attached Lighting Brochure) If the applicant decides to install outdoor lights, information showing the location and design of the lights shall first be submitted for review and approved by the Planning Department
- 10) No development, removal of vegetation or forest practices shall occur within the 100-foot buffer around the on-site wetland, and the 50-foot buffer along the on-site non-fishbearing stream.
- 11) The following procedures shall be effected when cultural resources are discovered during construction activities:
  - a. Halt Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
  - b. Notification. The project applicant shall notify the Administrator and the Gorge Commission within twenty-four (24) hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within twenty-four (24) hours.
  - c. Survey and Evaluations. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the DAHP. (See Revised Code of Washington 27.53) It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the provisions in Section 22.22.030 of this Chapter. Based upon the survey and evaluation report and any written comments, the Administrator shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.
  - d. Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation and report provisions contained in Section 22.22.050 of this Chapter. Construction activities may recommence when conditions in the mitigation plan have been executed.
- 12) The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones or teeth, with or without attendant burial artifacts.
  - a. Halt of Activities. All survey, excavation and construction activities shall cease.
  - b. Notification. Local law enforcement officials, the Administrator, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.

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- c. Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/ historic or modern. Representatives of the Indian tribal governments shall be contacted immediately and have an opportunity to monitor the inspection.
- d. Jurisdiction. If the remains are modern, the appropriate law enforcement official shall assume jurisdiction and the cultural resource protection process may conclude.
- e. Treatment. The procedures set out in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/ historic. If human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements set out in Section 22.22.050 of this Chapter. The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when conditions set forth in Section 22.22.050(C) of this Chapter are met and the mitigation plan is executed.

Dated and Signed this 21 day of August, 2008, at Stevenson, Washington.

  
 Nicole Hollatz, Associate Planner  
 Skamania County Planning and Community Development.

#### NOTES

Any new residential development, related accessory structures such as garages or workshops, fences, and additions or alterations not included in this approved site plan, will require a new application and review.

As per SCC §22.06.150(A), this Administrative Decision approving a proposed development action shall become void in two years if the development is not commenced within that period, or when the development action is discontinued for any reason for one continuous year or more.

#### APPEALS

**The Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.**

This Administrative Decision shall be final unless reversed or modified on appeal. A written Notice of Appeal form must be filed by an interested person within 20 days from the date hereof. Appeals are to be made to the Skamania County Hearing Examiner, P.O. Box 790, Stevenson, WA 98648. Notice of Appeal forms and mailing lists are available at the Planning Department Office and must be accompanied by a \$500.00 nonrefundable-filing fee.

#### WARNING

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On November 30, 1998 the Columbia River Gorge Commission overturned a Skamania County Director's Decision 18 months after the 20 day appeal period had expired. You are hereby warned that you are proceeding at your own risk and Skamania County will not be liable for any damages you incur in reliance upon your Administrative Decision or any amendments thereto.

A copy of the Decision was sent to the following:

Skamania County Building Division  
Skamania County Health Department

A copy of this Decision, including the Staff Report, was sent to the following:

Persons submitting written comments in a timely manner

Yakama Indian Nation

Confederated Tribes of the Umatilla Indian Reservation

Confederated Tribes of the Warm Springs

Nez Perce Tribe

Cowlitz Tribe

Department of Archaeology and Historic Preservation

Columbia River Gorge Commission

U.S. Forest Service - NSA Office

Board of County Commissioners

State of Washington Department of Community Trade and Economic Development – Valerie Grigg-Devis

Department of Fish and Wildlife



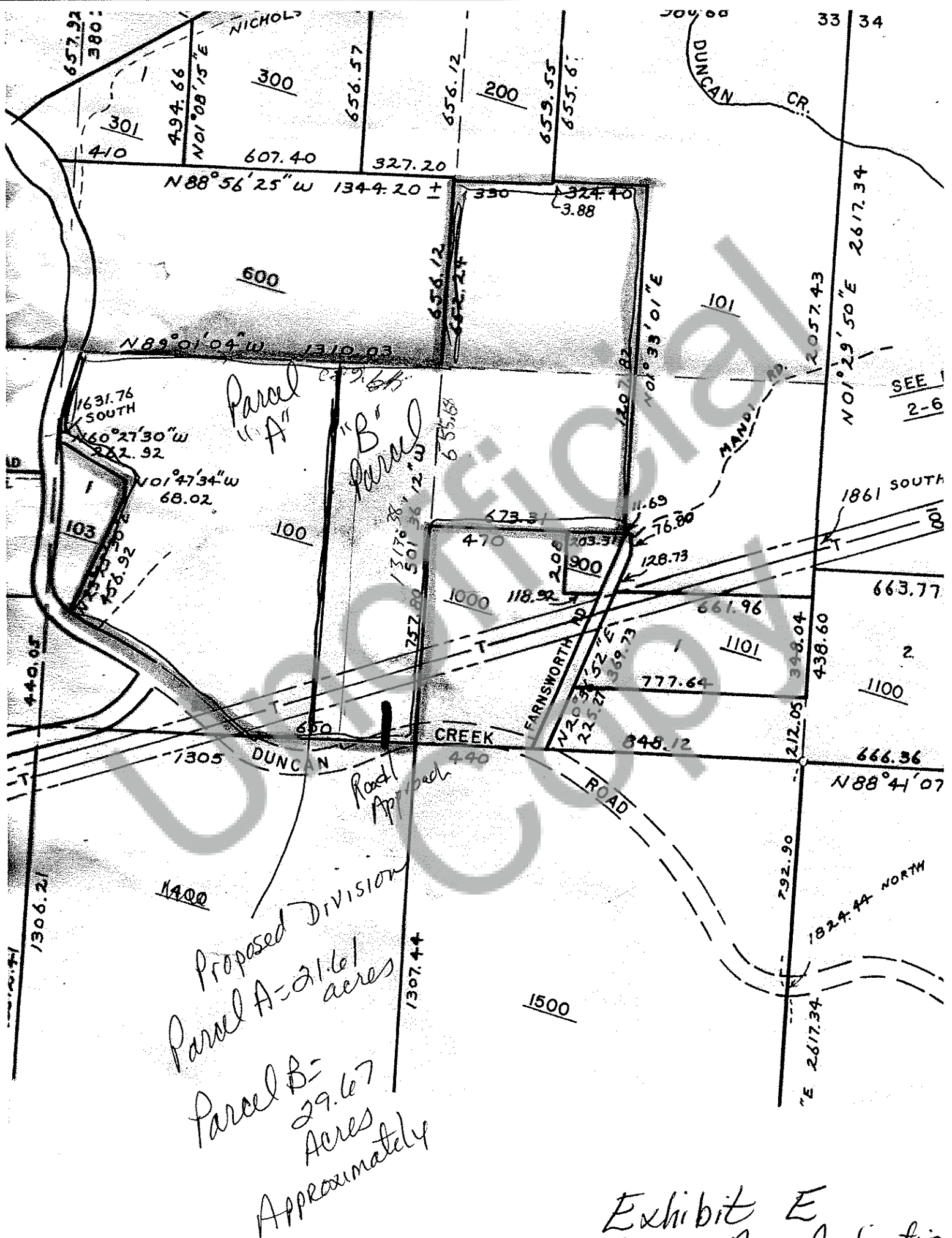


Exhibit E  
Survey Area Application

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## QUIT CLAIM DEED

THE GRANTOR, MELBA E. MCCAFFERTY SPRING, for and in consideration of love and affection, and by way of gift, does hereby convey and quit claim to JACK SPRING and MELBA E. SPRING, husband and wife, all of her interest in and to the following described real property situated in the County of Skamania, State of Washington, together with any and all after acquired title of the grantor therein:

The northeast quarter of the northeast quarter (NE4NE4) of Section 33, Township 2 North, Range 6 E.W.M.; EXCEPT the following described tract of land: Beginning at the northwest corner of the Northeast Quarter of the Northeast Quarter (NE4NE4) of the said Section 33; thence South 00 deg. 20' East along the West line of the Northeast Quarter of the Northeast Quarter (NE4NE4) of the said Section 33, 660 feet; thence East 330 feet; thence North 00 deg. 20' West 660 feet to section line; thence West 330 feet to the point of beginning.

The Southeast Quarter of the Northwest Quarter (SE4NW4) of Section 33, Township 2 North, Range 6 E.W.M.; EXCEPT the following described tract of land: Beginning at the center of the said Section 33; thence North 440 feet; thence West 1320 feet to the West line of the Southeast Quarter of the Northwest Quarter (SE4NW4) of the said Section 33; thence South 440 feet to center line of said Section 33 running east and west; thence East 1320 feet to the point of beginning.

The South Half of the Northeast Quarter (S2NE4) of Section 33, Township 2 North, Range 6 E.W.M.; EXCEPT the following described tracts of land: (1) Beginning at the quarter corner on the east line of the said Section 33; thence West 880 feet; thence North 19 deg. 47' East 595 feet; thence East 678 feet to section line; thence South on section line to point of beginning; (2) Beginning at the quarter corner on the east line of the said Section 33, and thence West 880 feet to the initial point; thence West 440 feet; thence North 757.8 feet; thence East 685 feet; thence South 76.8 feet; thence South 19 deg. 47' West 723.7 feet to the initial point; (3) Beginning at the center of said Section 33; thence North 440 feet; thence East to Maple Flat County Road; thence Southeasterly along said road to center line of said Section 33 running east and west; thence West to the point of beginning.

ALSO, all water rights appurtenant to the above described real property.

SUBJECT to a transmission line easement 100 feet in width granted to the United States of America for the Bonneville-Camas-Vancouver transmission line by deed dated November 21, 1941, and recorded at page 511 of Book 28 of Deeds, Records of Skamania County, Washington; AND SUBJECT TO an easement for an access road granted to the United States of America for the Bonne-

Glenda J. Kimmel Skamania County Assessor  
By: JDC Parcel # 02-06-33-00-000-00  
4-9-90

Recorded  
Indexed  
Indirect

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ville-Camas-Vancouver transmission line by deed dated July 24, 1942, and recorded at page 213 of Book 29 of Deeds; AND SUBJECT TO public roads on, over and across the above described real property.

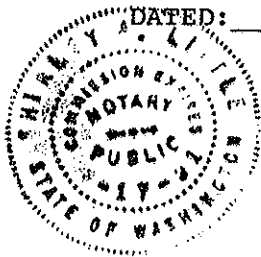
DATED the 9 day of April, 1990.

Melba E. McCafferty Spring  
MELBA E. MCCAFFERTY SPRING

STATE OF WASHINGTON )  
County of Skamania ) ss.

I certify that I know or have satisfactory evidence that MELBA E. MCCAFFERTY SPRING signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: April 9, 1990.



Shirley A. Brown  
Notary Public in and for the State of Washington, residing at Stevenson  
My Commission Expires 8-17-91

FILED FOR RECORD  
SKAMANIA CO. WASH  
BY Melba Spring  
APR 9 2 39 PM '90  
P. Lowry  
GARY J. OLSON

13458

REAL ESTATE EXCISE TAX

APR 8 1990

Quit Claim Deed - Page 2

PAID Exempt  
Notary